

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
)	Case No. 4:05-CR-38
v.)	
)	Chief Judge Curtis L. Collier
)	
DAVID DONALDSON)	

ORDER

Defendant David Donaldson (“Defendant”) filed a motion to suppress a statement he allegedly made to an Alcohol, Tobacco, and Firearms (“ATF”) special agent on November 21, 2005 (Court File No. 74). The Government responded (Court File No. 81), and the Defendant replied (Court File No. 82). United States Magistrate Judge Susan K. Lee issued a Report and Recommendation (“R&R”), recommending this Court deny Defendant’s motion (Court File No. 89). Defendant filed an objection to the R&R (Court File No. 90). The Government filed a notice of no objection to the R&R (Court File No. 91).

This Court **ACCEPTS** and **ADOPTS IN PART** the magistrate judge’s R&R and **DENIES** Defendant’s motion to suppress based upon the Fifth Amendment. The Court refrains from making a determination as to whether Defendant’s Sixth Amendment right to counsel was violated because the parties did not fully argue and the R&R did not fully address whether and to what extent the dual sovereignty doctrine applies to Defendant’s Sixth Amendment claim. The Court **ORDERS** both parties to file briefs addressing the relevance of the dual sovereignty doctrine with the magistrate judge for further consideration.

SO ORDERED.
ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE